

Franchise and Concession Review Committee Public Meeting
October 11, 2017

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PUBLIC MEETING

FRANCHISE and CONCESSION REVIEW COMMITTEE

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2 Lafayette Street
New York, New York

October 11, 2017
2:54 p.m.

Julia M. Speros
Court Reporter

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APPEARANCES:

Mayor:
Peter Hatch

Clerk:
Stephanie Ruiz

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Jennifer Conovitz

Borough President of Manhattan:
James Caras

Borough President of Queens:
Angelina Martinez-Rubio

Borough President of Staten Island:
Lashay Young

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PROCEEDINGS

MR. HATCH: Good afternoon. Thank you all for being here. The Franchise and Concession Review Committee public meeting will now come to order.

Will the Clerk please call the role?

THE CLERK: Mayor.

MR. HATCH: Here.

THE CLERK: Office of the Mayor.

(No response.)

THE CLERK: Comptroller.

MS. CONOVITZ: Here.

THE CLERK: Corporation Counsel.

MS. CANTOR: Here.

THE CLERK: Office of Management Budget.

MS. QUINTIAN: Here.

THE CLERK: President, Borough of the Bronx.

(No response.)

THE CLERK: President, Borough of Brooklyn.

(No response.)

THE CLERK: President, Borough of Manhattan.

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1 MR. CARAS: Here.

2 THE CLERK: President, Borough of
3 Queens.

4 MS. MARTINEZ-RUBIO: Here.

5 THE CLERK: President, Borough of
6 Staten Island.

7 MS. YOUNG: Here.

8 MR. HATCH: Will the Clerk please
9 call the first calendar item?

10 THE CLERK: New York City Department
11 of Parks and Recreation, Calendar Item
12 number 1; in the matter of the intent to
13 seek Franchise and Concession Review
14 Committee approval to utilize a
15 different procedure, pursuant to Section
16 1-16 of the Concession Rules of the City
17 of New York, to authorize the New York
18 City Department of Parks and Recreation
19 to enter into a Sole Source License
20 Agreement with the 34th Street
21 Partnership, Inc. for the operation and
22 maintenance of Herald and Greeley
23 Squares in Manhattan.

24 MR. HATCH: Is there a member who
25 wishes to make a statement or ask a

1 question on this matter?

2 MR. CARAS: I had a couple of
3 concerns about the -- which I think I
4 had raised at the hearing -- the
5 \$100,000 in excess revenue -- and I
6 appreciate the time that the Parks
7 Department and Law Department spent on
8 the phone with me today. I just wanted
9 to state them for the record.

10 I still have a little bit of
11 difficulty understanding what would be
12 an acceptable expense on property within
13 the bid under Park's jurisdiction that's
14 supplemental to the services that the
15 bid is supposed to provide when the
16 bid's expenditures are already supposed
17 to be supplemental to city services.

18 And also -- and not in the case of
19 this particular bid, or these particular
20 plazas -- but our offices received
21 concerns about too much commercial
22 programming in certain of the public
23 plazas, and we're worried that perhaps
24 that could create an incentive for more
25 commercial programming, so that there's

1 more money generated, so that there is
2 an excess.

3 So, again, I guess what we would ask
4 is that there be reporting to us on, you
5 know, when this extra \$100,000 is
6 generated, and when it is generated the
7 Parks Department's response to that, and
8 what the money -- if they approve the
9 expenditure -- what the money ends up
10 getting spent on.

11 And I'd ask that we be very cautious
12 before, you know, making this some kind
13 of precedent or extending this in any
14 manner. And I appreciate the limit -- I
15 see that there have been more
16 limitations put on this that the Parks
17 Department has to approve it, and I
18 appreciate that.

19 But we're going to be abstaining
20 because I don't feel I fully understand
21 what the practical applications of this
22 might be. And hopefully with that
23 reporting, we'll be able to see, you
24 know, where it goes.

25 MS. CONOVITZ: Thank you.

1 First, we want to thank the Parks
2 Department and the Law Department for
3 working collaboratively with the
4 Comptroller's Office over the past few
5 weeks.

6 We also acknowledge the good work of
7 the 34th Street Partnership and its long
8 standing commitment to this city. And
9 we will be voting in favor in a moment
10 when we get to it.

11 As the Fiscal Officer for the city,
12 the Comptroller's Office would like to
13 also continue to work with the Parks --
14 with Parks rather -- and the city to
15 develop a policy regarding when
16 Concession Agreements should permit
17 excess revenues to be used in the local
18 community, and when such agreements
19 should require that excess revenues are
20 remitted to the general fund. Thank
21 you.

22 MR. HATCH: Thank you both.

23 Any further comments or questions?

24 (No response.)

25 MR. HATCH: Then will the Clerk

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October 11, 2017

1 please take the vote?

2 THE CLERK: Mayor.

3 MR. HATCH: Yes.

4 THE CLERK: Office of the Mayor.

5 (No response.)

6 THE CLERK: Comptroller.

7 MS. CONOVITZ: Yes.

8 THE CLERK: Corporation Counsel.

9 MS. CANTOR: Yes.

10 THE CLERK: Office of Management
11 Budget.

12 MS. QUINTIAN: Yes.

13 THE CLERK: And on behalf of the
14 Borough Presidents, President, Borough
15 of Manhattan.

16 MR. CARAS: Abstained.

17 THE CLERK: Calendar Item number 1,
18 resolution is adopted. We ask that the
19 reporter make the entire Public Meeting
20 Agenda, which was made publicly
21 available and distributed at this
22 meeting, part of the final record of
23 this proceeding.

24 That completes the calendar.

25 MR. HATCH: Thank you. Meeting

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adjourned.

(Time noted: 2:58 p.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of October, 2017.



Julia M. Speros

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, OCTOBER 11, 2017 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Public Meeting
Wednesday, October 11, 2017 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to enter into a Sole Source License Agreement (“Agreement”) with the 34th Street Partnership, Inc. (“the Partnership”) for the operation and maintenance of Herald and Greeley Squares in Manhattan (“Licensed Premises”), including the operation of food concessions, temporary markets, and special events, and the placement of advertising. The Partnership shall operate and maintain the Licensed Premises for the use and enjoyment of the general public in accordance with the terms of the Agreement and to the reasonable satisfaction of the Commissioner. All gross receipts received by the Partnership will be used exclusively to pay all costs incurred by the Partnership in operating, repairing, maintaining, and managing the Licensed Premises, and in performing the Partnership’s obligations and providing services required or permitted by the Agreement (“Expenses”). If the gross receipts received by the Partnership for any Fiscal Year exceed such costs (“Excess Revenues”), any Excess Revenues shall be used by the Partnership to pay Expenses incurred in any subsequent Fiscal Year provided however that up to \$100,000 of Excess Revenues per Fiscal Year may be used on the Licensed Premises or other property under the jurisdiction of Parks within the BID, as approved by Parks. At the end of the term, any remaining Excess Revenues shall be remitted to the City in accordance with the Agreement. The term of this Agreement shall be ten (10) years with up to two (2) five (5) year renewal options, by mutual agreement, and shall commence on Parks’ giving written notice to proceed to the Partnership.

**A proposed resolution was submitted relative thereto.
RESOLUTION FOR ADOPTION.**